

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

☐ Valuation of Security ☐ Assumption of Executory Contract or Unexpired Lease ☐ Lien Avoidance

Last Revised December 1, 2017

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

IN RE:

Case No. **12-bk-39593**

Judge _____

Vargas, Sergio _____

Debtor(s)

AMENDED CHAPTER 13 PLAN AND MOTIONS

☐ Original

☒ Modified/Notice Required

Date: **March 22, 2018**

☐ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: **MCC**

Initial Debtor: **SV**

Initial Co-Debtor:

Part 1: Payment and Length of Plan

- a. The debtor has paid **\$14,746.00** to date, the Plan has lasted 45 months. The Debtor shall payoff the balance of claims from proceeds of medical malpractice suit.
- b. The Debtor shall make plan payments to the Trustee from the following sources:
☒ Future Earnings
☒ Other sources of funding (describe source, amount and date when funds are available):
Medical Malpractice Suit
- c. Use of real property to satisfy plan obligations:
☐ Sale of real property
Description:
Proposed date for completion: _____
☐ Refinance of real property
Description:
Proposed date for completion: _____
☐ Loan modification with respect to mortgage encumbering property
Description:
Proposed date for completion: _____
- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection ☒ NONE

- a. Adequate protection payments will be made in the amount of \$ **None** to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).
- b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

- a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Capone & Keefe, PC	Administrative Expense	1,750.00
Internal Revenue Service	Taxes	8,208.13
State Of NJ - Div Of Taxation	Taxes	1,339.47

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:

Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
None			

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: [X]NONE

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
None					

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: [X] NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
None					

c. Secured claims excluded from 11 U.S.C. 506: [X] NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
None				

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments [X] NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
None							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender [] NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
Wells Fargo Hm Mortgag	Residence	342,580.00	4,576.00

f. Secured Claims Unaffected by the Plan [] NONE

The following secured claims are unaffected by the Plan:

Gm Financial

g. Secured Claims to Be Paid in Full Through the Plan [X] NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
None		

Part 5: Unsecured Claims [] NONE

a. Not separately classified allowed non-priority unsecured claims shall be paid:

Not less than \$ _____ to be distributed *pro rata*

Not less than _____ percent

☒ *Pro Rata* distribution from any remaining funds

b. Separately Classified Unsecured Claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
Sallie Mae	student loan	Paid at 100% outside plan Pursuant to contract under monthly schedule by co-debtor (debtor's daughter).	110,057.24

Part 6: Executory Contracts and Unexpired Leases [X] NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
None				

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). [] NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
None							

b. Motion to Void Liens and Reclassify Claim from Secured to Completely Unsecured. [X] NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Total Amount of Lien to be Reclassified
None						

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. [X] NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
None					

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Sections 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

1) Trustee Commissions

- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

d. Post-petition claims The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☐ NONE

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: 9/15/2016

Explain below why the Plan is being modified.	Explain below how the Plan is being modified.
To provide for payment of student loan outside plan. Loan is Debtor's daughter's loan and she pays the loan monthly.	

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date: March 22, 2018

/s/ Marc Capone

Attorney for the Debtor

Date: March 22, 2018

/s/ Sergio Vargas

Debtor

Date: March 22, 2018

Joint Debtor

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

Date: March 22, 2018

/s/ Marc Capone

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: March 22, 2018

/s/ Sergio Vargas

~~Certificate of Notice~~ Page 7 of 9

Debtor

Date: **March 22, 2018**

Joint Debtor

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Sergio Vargas
 Debtor

Case No. 12-39593-MBK
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 33

Date Rcvd: Mar 23, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 25, 2018.

db #Sergio Vargas, 1 Fielek Ter, Parlin, NJ 08859-2011
 sp +Kenneth M. Harrell, Harrell, Smith & Williams, LLC, 767 Central Avenue,
 Westfield, NJ 07090-2528
 513592316 ++AMERICREDIT FINANCIAL SERVICES DBA GM FINANCIAL, PO BOX 183853, ARLINGTON TX 76096-3853
 (address filed with court: Americredit Financial Services, Inc., PO Box 183853,
 Arlington TX 76096)
 513568012 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
 (address filed with court: Cap One, PO Box 85520, Richmond, VA 23285-5520)
 513568013 Coll Recv Sv, 29 Regency Plz, Glen Mills, PA 19342-1001
 513568016 Gm Financial, PO Box 181145, Arlington, TX 76096-1145
 513568017 Goodyr/cbna, PO Box 6497, Sioux Falls, SD 57117-6497
 513568020 +Northland Group, PO Box 390846, Minneapolis, MN 55439-0846
 513568021 Revenue Recovery Corp, 612 Gay St, Knoxville, TN 37902-1603
 513568022 Rymr And Flnign, Csc1 Dispute Team, Des Moines, IA 50306
 513696655 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
 TRENTON NJ 08646-0245
 (address filed with court: State Of New Jersey, Division Of Taxation, Bankruptcy Section,
 PO Box 245, Trenton, NJ 08695-0245)
 513568025 Sears/cbna, PO Box 6282, Sioux Falls, SD 57117-6282
 513568026 State Of NJ - Div Of Taxation, PO Box 283, Trenton, NJ 08602-0283
 513568027 State Of NJ - Division Of Taxation, Federal Offset Program, PO Box 283,
 Trenton, NJ 08602-0283
 513568028 Susan Vargas, 13 Vermeer Dr- Apt. 7, South Amboy, NJ 08879-2346
 513568029 Thd/cbna, PO Box 6497, Sioux Falls, SD 57117-6497
 513568030 ++WELLS FARGO BANK NA, WELLS FARGO HOME MORTGAGE AMERICAS SERVICING,
 ATTN BANKRUPTCY DEPT MAC X7801-014, 3476 STATEVIEW BLVD, FORT MILL SC 29715-7203
 (address filed with court: Wells Fargo Hm Mortgag, 8480 Stagecoach Cir,
 Frederick, MD 21701-4747)
 513648799 Wells Fargo Bank NA, PO Box 10438, Des Moines IA 50306-0438
 513818028 +Wells Fargo Bank, N.A., c/o Zucker Goldberg & Ackerman, 200 Sheffied Street, Suite 301,
 Mountainside, NJ 07092-2315
 513820350 +Wells Fargo Bank, N.A., ATTN: Bankruptcy Dept., MAC# D3347-014, 3476 Stateview Blvd.,
 Fort Mill, SC 29715-7203

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Mar 23 2018 23:20:42 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Mar 23 2018 23:20:36 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 513568019 E-mail/Text: cio.bncmail@irs.gov Mar 23 2018 23:20:12 Department of the Treasury,
 Internal Revenue Service, P.O. Box 7346, Philadelphia, PA 19101-7346
 513578795 E-mail/Text: mrdiscen@discover.com Mar 23 2018 23:19:56 Discover Bank,
 DB Servicing Corporation, PO Box 3025, New Albany, OH 43054-3025
 513568014 E-mail/Text: mrdiscen@discover.com Mar 23 2018 23:19:56 Discover Fin Svcs Llc,
 PO Box 15316, Wilmington, DE 19850-5316
 513720426 E-mail/PDF: gecsed@recoverycorp.com Mar 23 2018 23:25:26 GE Capital Retail Bank,
 Attn: Bankruptcy Department, PO Box 960061, Orlando FL 32896-0661
 513568015 E-mail/PDF: gecsed@recoverycorp.com Mar 23 2018 23:24:33 Gecrb/care Credit,
 950 Forrer Blvd, Kettering, OH 45420-1469
 514227052 E-mail/Text: JCAP_BNC_Notices@jcap.com Mar 23 2018 23:21:00 JEFFERSON CAPITAL SYSTEMS LLC,
 PO BOX 7999, ST CLOUD MN 56302
 514227053 E-mail/Text: JCAP_BNC_Notices@jcap.com Mar 23 2018 23:21:00 JEFFERSON CAPITAL SYSTEMS LLC,
 PO BOX 7999, ST CLOUD MN 56302, JEFFERSON CAPITAL SYSTEMS LLC, PO BOX 7999,
 ST CLOUD MN 56302
 513751012 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Mar 23 2018 23:25:04
 Portfolio Recovery Associates, LLC, c/o Capital One, POB 41067, Norfolk VA 23541
 513568023 E-mail/Text: bankruptcy@savit.com Mar 23 2018 23:21:53 Sa-vit Enterprises, 46 W Ferris St,
 East Brunswick, NJ 08816-2159
 513568024 E-mail/PDF: pa_dc_claims@navient.com Mar 23 2018 23:25:06 Sallie Mae, PO Box 9500,
 Wilkes Barre, PA 18773-9500
 513844059 +E-mail/PDF: pa_dc_claims@navient.com Mar 23 2018 23:25:32 Sallie Mae PC Trust,
 c/o Sallie Mae Inc., 220 Lasley Ave, Wilkes-Barre, PA 18706-1496

TOTAL: 13

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

513627570* ++INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 7346,
 PHILADELPHIA PA 19101-7346
 (address filed with court: Internal Revenue Service, 955 S Springfield Ave., Bldg A,
 Springfield, NJ 07081-0000)
 513568018* ++INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 7346,
 PHILADELPHIA PA 19101-7346
 (address filed with court: Internal Revenue Service, PO Box 9019,
 Holtsville, NY 11742-0000)

District/off: 0312-3

User: admin
Form ID: pdf901

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Total Noticed: 33

Date Rcvd: Mar 23, 2018

***** BYPASSED RECIPIENTS (continued) *****

TOTALS: 0, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 25, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 22, 2018 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo docs@russotrustee.com
Albert Russo (NA) on behalf of Trustee Albert Russo docs@russotrustee.com
Angela Catherine Pattison on behalf of Creditor Wells Fargo Bank, N.A.
angela.pattison@powerskirn.com, ecf@powerskirn.com
Denise E. Carlon on behalf of Creditor Wells Fargo Bank, N.A.
bankruptcynotice@zuckergoldberg.com, bkgroup@kmlawgroup.com
Marc C. Capone on behalf of Debtor Sergio Vargas mcapone@caponeandkeefe.com,
docs@caponeandkeefe.com

TOTAL: 6